



REPLY TO
ATTENTION OF:

Evaluation Section

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON TX 77553-1229

October 27, 2006

SUBJECT: Permit No. 18751(01); Extension of Time, Amendment

Michael J. Luzinski
United States Department of Transportation
Maritime Administration
550 Fannin Street, Suite 1320
Beaumont, Texas 77701-3117

Dear Mr. Luzinski:

In your June 29, 2006, letter, you request to maintenance dredge the deep draft portion of the U.S. Maritime Administration Reserve Fleet Storage Basin to its previously permitted depths of -28 feet mean low tide (MLT) and amend Department of the Army (DA) Permit 18751 to include dredging of the remaining Fleet Storage Basin to -17 feet MLT, the U.S.M.A. Slip to -15 feet MLT, and to place 750,000 cubic yards of dredged material within Dredged Material Placement Area (DMPA) 23, instead of the previously permitted DMPA 24. This extension of time and amendment is approved pursuant to Section 10 of the Rivers and Harbors Act of 1899. DA Permit 18751 was issued on July 25, 1989, and authorized hydraulic dredging to deepen a mooring area and access channel from -18 feet to -28-feet MLT and place the dredged material into DMPA 24. The project site is located within the Neches River, at the National Reserve Fleet Facility, near the City of Beaumont, in Orange and Jefferson Counties, Texas.

All work is to be performed in accordance with the enclosed amended plans in 3 sheets and the original permit conditions, which remain in full force and effect, with exception of the expiration date. This authorization expires on December 31, 2016. Enclosed you will find a combined Notification of Administrative Appeal Options and Process and Request for Appeal form. In addition to the original permit conditions, the following special conditions are added to your authorization:

1. The permittee must coordinate the use of DMPA 23 with the Corps of Engineers Galveston District's Northern Area Office, the Navigation Branch, and the Operations Division at least 60 days prior to conducting any and all work in or affecting the disposal area(s) to assure that the work will not conflict with U. S. Government dredging or disposal area management activities.

2. The permittee understands and agrees that if future operations by the United States require the removal, relocation or other alteration of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate or alter the structural work or obstructions caused thereby without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

This letter also contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

James E. Gilmore, Appeal Review Officer
Southwestern Division, CESWD-CMO-E
1100 Commerce Street, Room 8E9
Dallas, Texas 75242-0216
Telephone: 469-487-7061; FAX: 469-487-7190

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by December 29, 2006. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

Please notify the District Commander, in writing, upon completion of the authorized work. A pre-addressed postcard has been enclosed for your convenience.

FOR THE DISTRICT COMMANDER:

Kimberly McLaughlin
for Bruce H. Bennett
Leader, North Evaluation Unit

Enclosures

Copies Furnished:
(See Page 3)

Copies Furnished:

Eighth Coast Guard District, New Orleans, LA

NOAA/NOS, Coast & Geodetic Survey, Silver Spring, MD

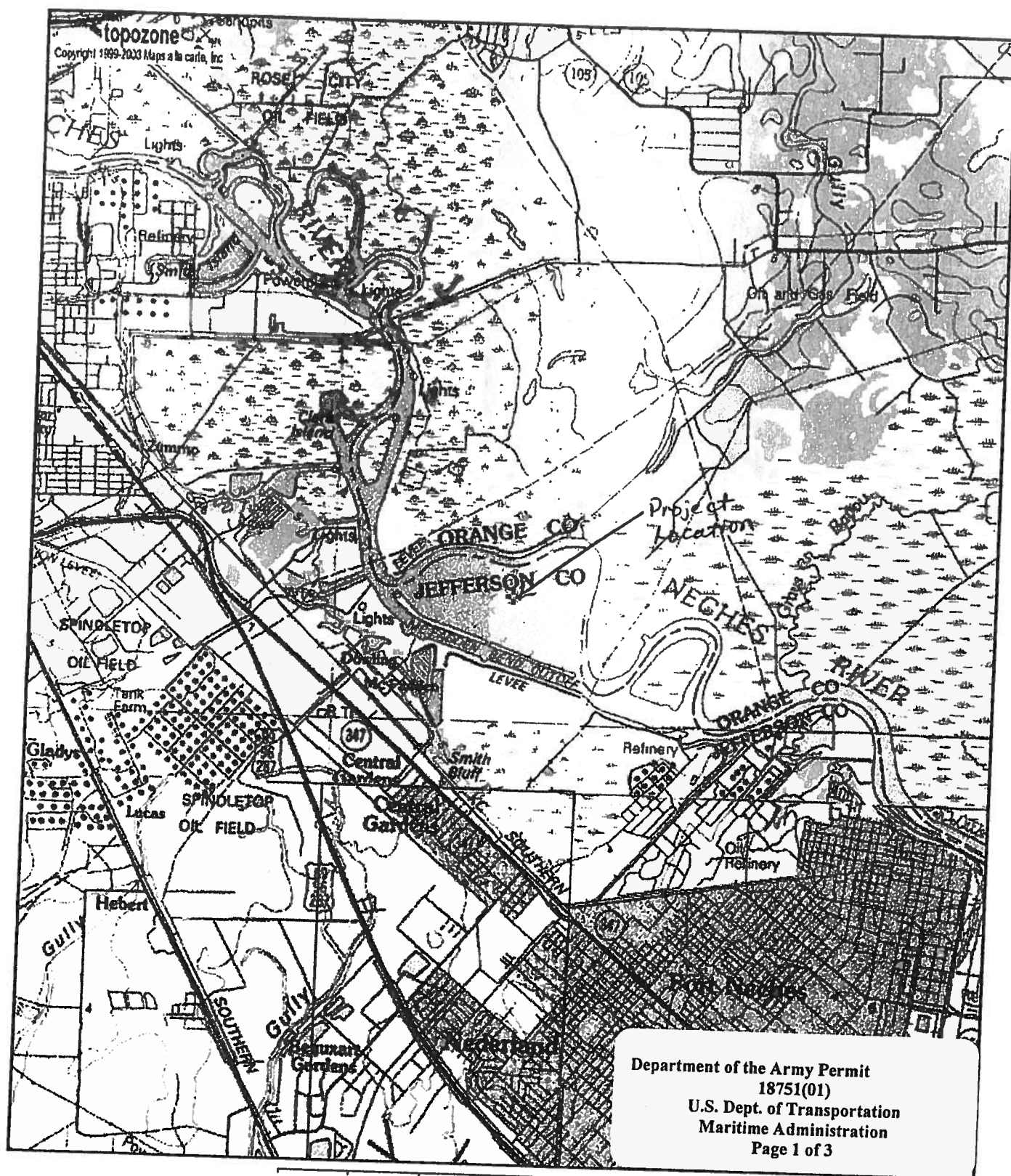
U.S. Fish and Wildlife Service, Houston, TX

Texas General Land Office, Austin, TX

Texas General Land Office, La Porte, TX

Northern Area Office, Galveston, TX

Lanier & Associates Consulting Engineers, Inc., 3420 Fannin Street, Suite 202, Beaumont, Texas
77701-3800



Department of the Army Permit
18751(01)
U.S. Dept. of Transportation
Maritime Administration
Page 1 of 3

UTM 15 402571E 3321738N (NAD27)
USGS Beaumont East (TX) Quadrangle
Projection is UTM Zone 15 NAD83 Datum

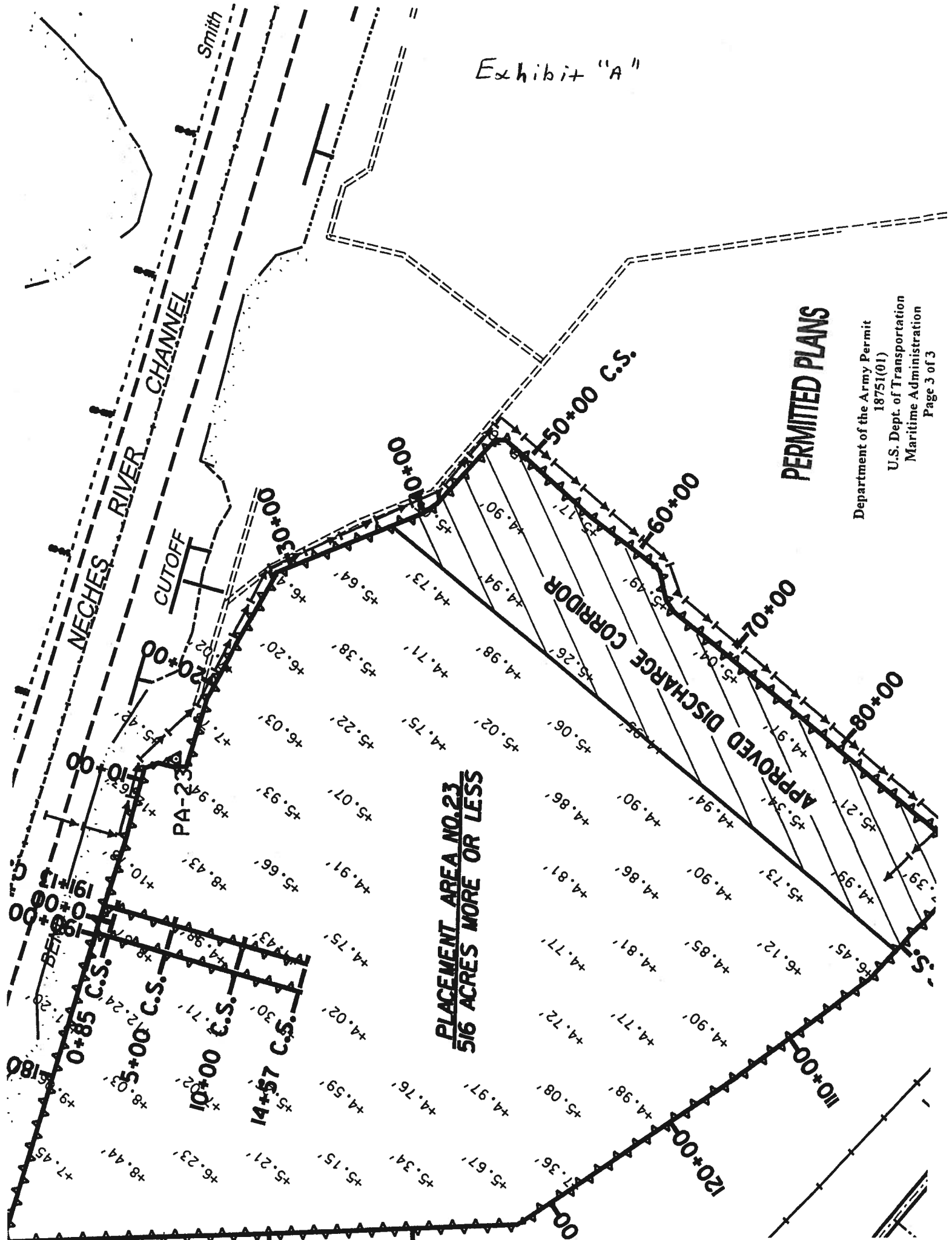
PERMITTED PLANS

M=3.207
G=-0.506

Exhibit "A"

PERMITTED PLANS

Department of the Army Permit
18751(01)
U.S. Dept. of Transportation
Maritime Administration
Page 3 of 3



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: U.S. Department of Transportation Maritime Administration	File Number: 18751(01)	Date: 10/27/06
Attached is:		See Section below
<input type="checkbox"/> INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
<input type="checkbox"/> PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
<input type="checkbox"/> PERMIT DENIAL	C	
<input checked="" type="checkbox"/> APPROVED JURISDICTIONAL DETERMINATION	D	
<input type="checkbox"/> PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/inet/functions/cw/cecwo/rsq/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved jurisdictional determination (JD) or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Brian J. Bader, Regulatory Specialist
CESWG-PE-RE, P.O. Box 1229
Galveston, Texas 77553-1229
Telephone: 409-766-3037; FAX: 409-766-6301

If you only have questions regarding the appeal process you may also contact:

James E. Gilmore, Appeal Review Officer
CESWD-ETO-R, 1100 Commerce Street, Room 8E9
Dallas, Texas 75242-0216
Telephone: 469-487-7061; FAX: 469-487-7190
Email: James.E.Gilmore@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or authorized agent.

Date:

Telephone number:



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1229
GALVESTON, TEXAS 77553-1229

NECHES RIVER

[Handwritten signature]

REPLY TO
ATTENTION OF:

JUL 25 1989

RECEIVED ON 7/28/89 *me*
PORT ARTHUR AREA OFFICE

Evaluation Section

SUBJECT: Permit - 18751

Mr. Billy Greer
Fleet Superintendent
Maritime Administration
Beaumont Reserve Fleet
P.O. Box 6355
Beaumont, Texas 77705

Dear Mr. Greer:

The above numbered permit has been approved and a signed copy is enclosed for your retention.

Also enclosed is ENG Form 4336 and a copy of "Notice to Permittees" which provides important information for permit administration. Construction or work under the permit should be coordinated with the Area Engineer indicated below.

Sincerely,

Dolan Dunn
Chief, Evaluation Section

Enclosures

Copies Furnished:

Commander, Eighth Coast Guard District (oan), Room 1330, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130 w/encl

Director, Atlantic Marine Center, National Ocean Survey,
Attn: MOA232X1, 439 West York Street, Norfolk, Virginia 23510

✓ Area Engineer, Port Arthur Area Office, P.O. Box 157,
Port Arthur, Texas 77641-0157

DEPARTMENT OF THE ARMY PERMIT

Permittee Maritime Administration
Beaumont Reserve Fleet

Permit No. 18751

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To hydraulically dredge to deepen a mooring area and access channel from -18 to -28 feet mean low tide in accordance with the attached plans in eight sheets entitled "PROPOSED DREDGING OF MOORING AREA AND DISPOSAL OF DREDGE MATERIAL".

Project Location: Neches River, at the Reserve Fleet facility in the McFadden Bend cut-off area near Beaumont, Orange County, Texas.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 1992. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

- e. Dam:
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - () Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

MARITIME ADMINISTRATION
BEAUMONT RESERVE FLEET

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

25 JUL 1989

(DISTRICT ENGINEER)

DOLAN DUNN, Evaluation Section
FOR COLONEL JOHN A. TUDELA

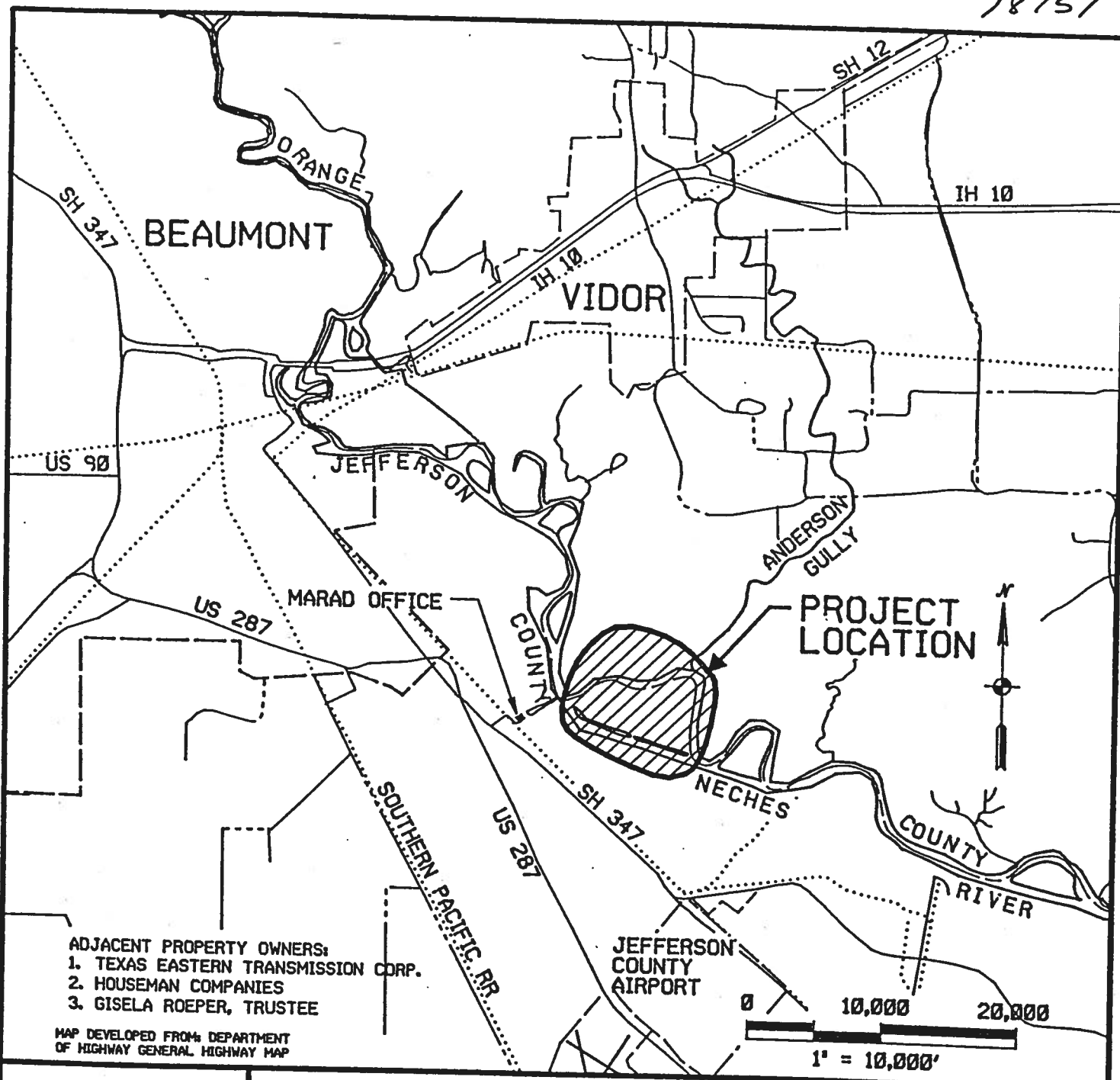
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

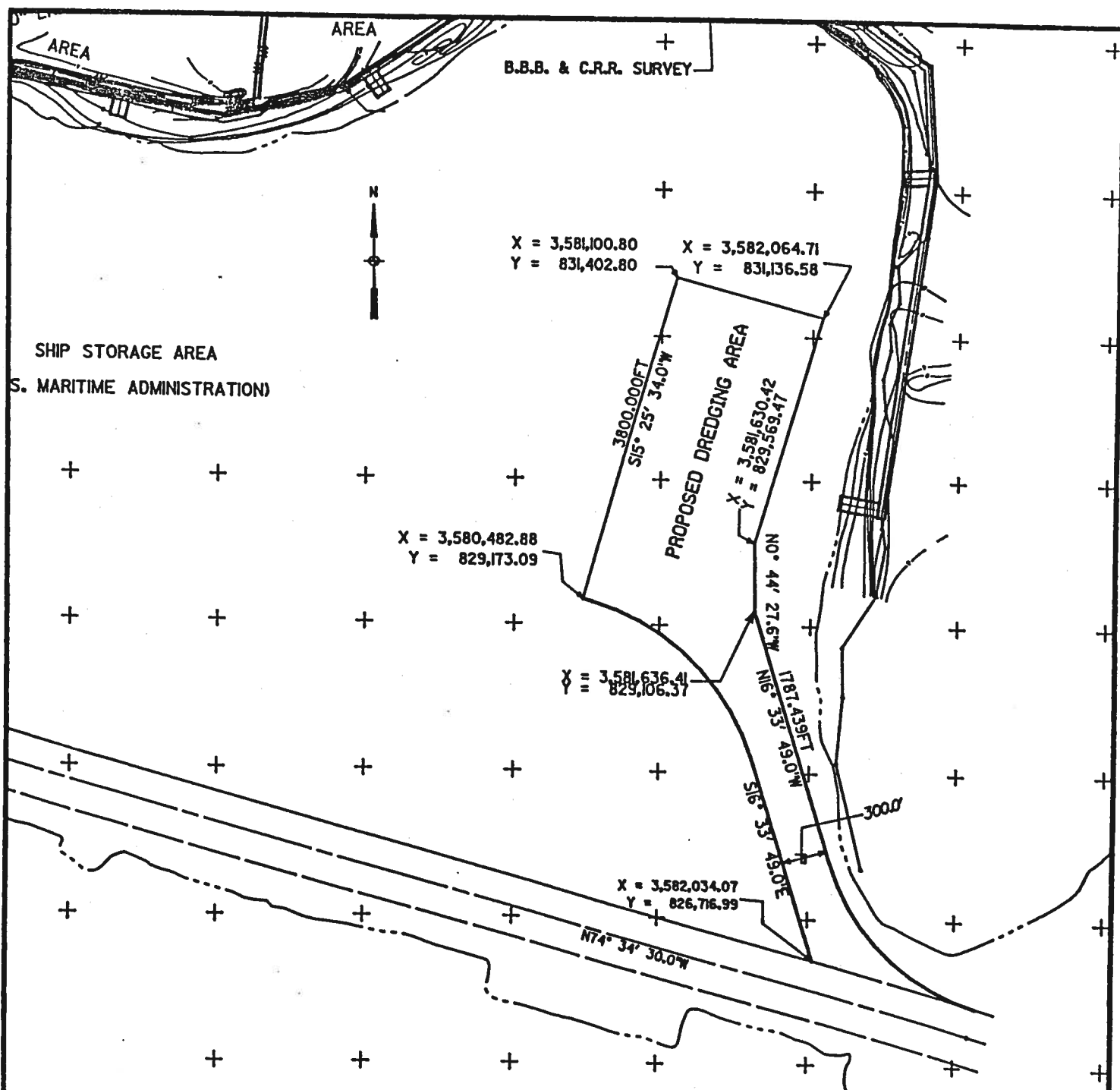
18751



- ADJACENT PROPERTY OWNERS:
1. TEXAS EASTERN TRANSMISSION CORP.
 2. HOUSEMAN COMPANIES
 3. GISELA ROEPER, TRUSTEE

MAP DEVELOPED FROM: DEPARTMENT OF HIGHWAY GENERAL HIGHWAY MAP

<p>PURPOSE: PROVIDE DEEPER DRAFT MOORING AREA</p> <p>DATUM: MLT</p>	<h2 style="text-align: center;">VICINITY MAP</h2> <p style="text-align: center;">U.S. DEPARTMENT OF TRANSPORTATION MARITIME ADMINISTRATION (MARAD) BEAUMONT RESERVE FLEET P.O. BOX 6355 BEAUMONT, TX</p>	<p>PROPOSED DREDGING OF MOORING AREA AND DISPOSAL OF DREDGE MATERIAL AT: BEAUMONT TEXAS</p> <p>SHEET 1 OF 8 DATE: MAR 89</p>
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PURPOSE: PROVIDE
DEEPER DRAFT
MOORING AREA

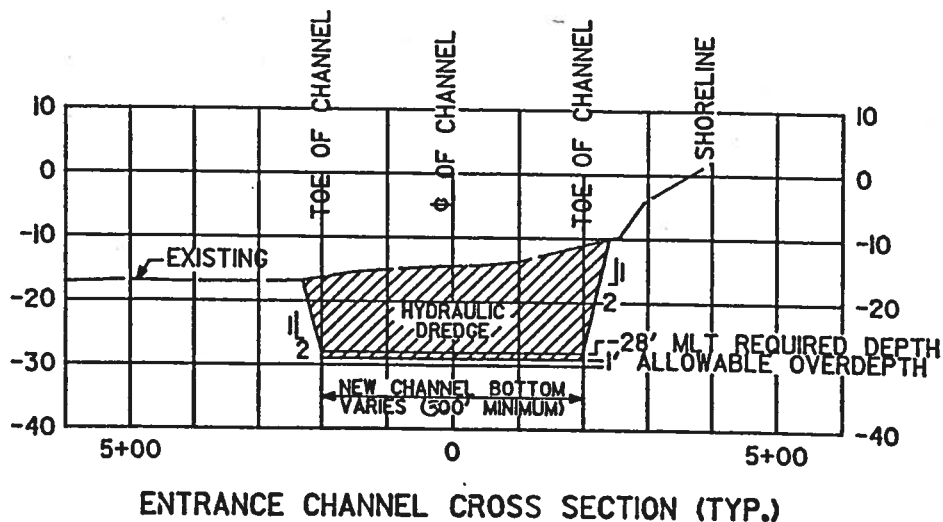
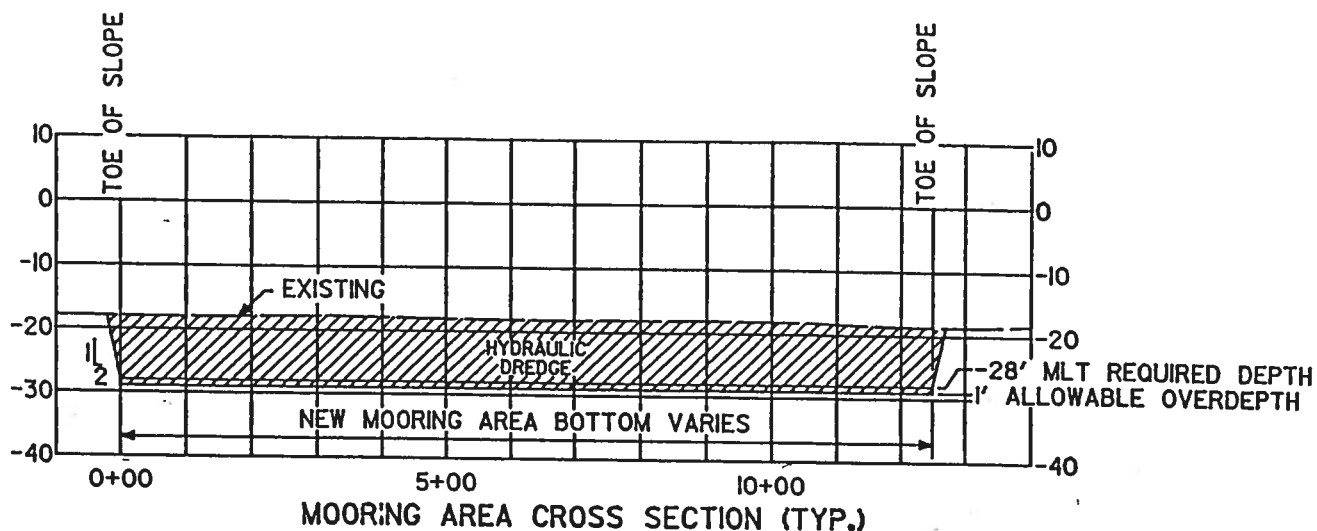
DATUM: MLT

PLAN DREDGING AREA

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION (MARAD)
BEAUMONT RESERVE FLEET
P.O. BOX 6355
BEAUMONT, TX

PROPOSED DREDGING OF
MOORING AREA AND DISPOSAL
OF DREDGE MATERIAL
AT: BEAUMONT TEXAS

SHEET 2 OF 8 DATE: MAR 89



PURPOSE: PROVIDE
DEEPER DRAFT
MOORING AREA

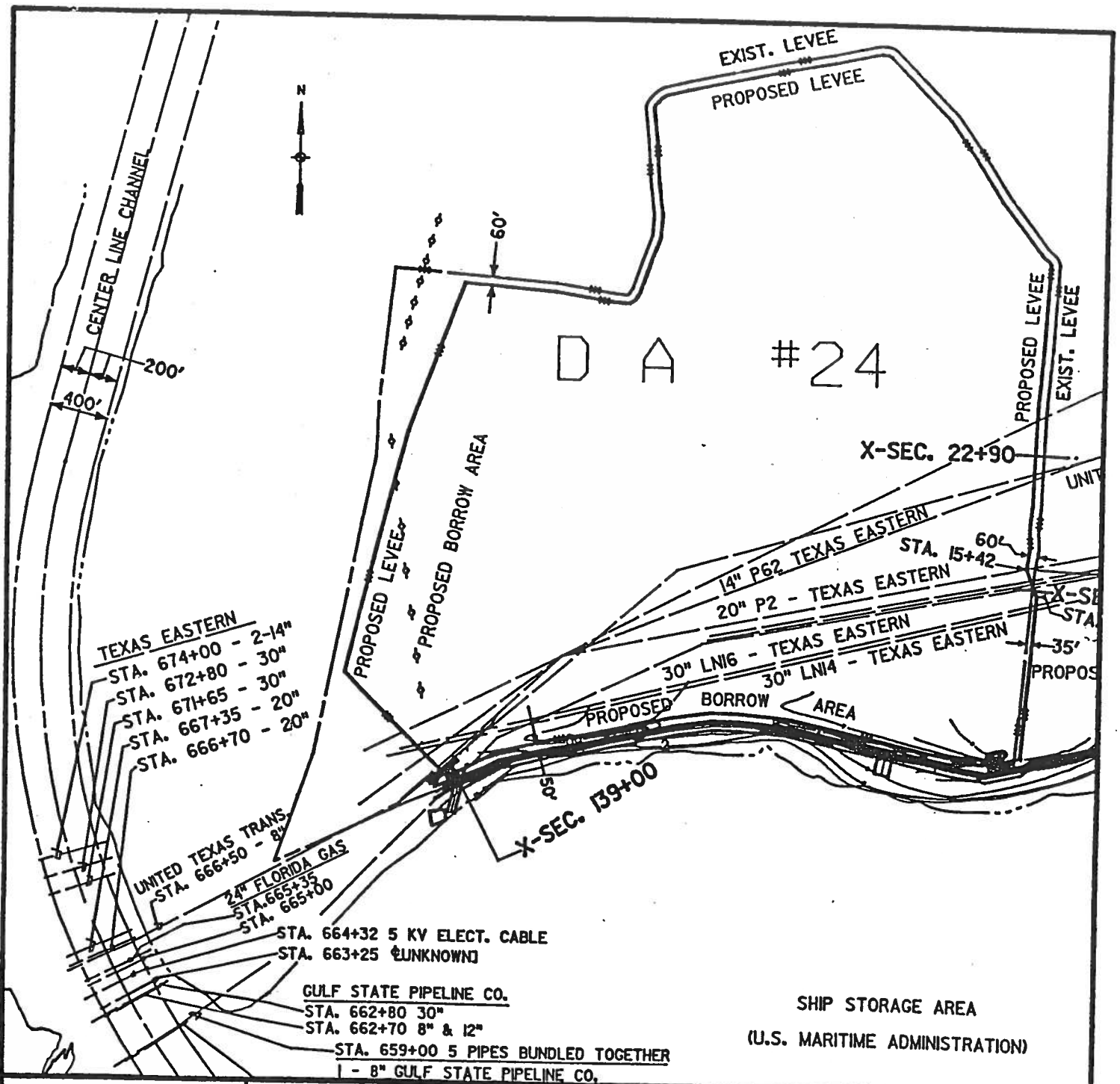
DATUM: MLT

DREDGE SECTIONS

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION (MARAD)
BEAUMONT RESERVE FLEET
P.O. BOX 6355
BEAUMONT, TX

PROPOSED DREDGING OF
MOORING AREA AND DISPOSAL
OF DREDGE MATERIAL
AT: BEAUMONT TEXAS

SHEET 3 OF 8 DATE: MAR 89



PURPOSE: PROVIDE
 DEEPER DRAFT
 MOORING AREA

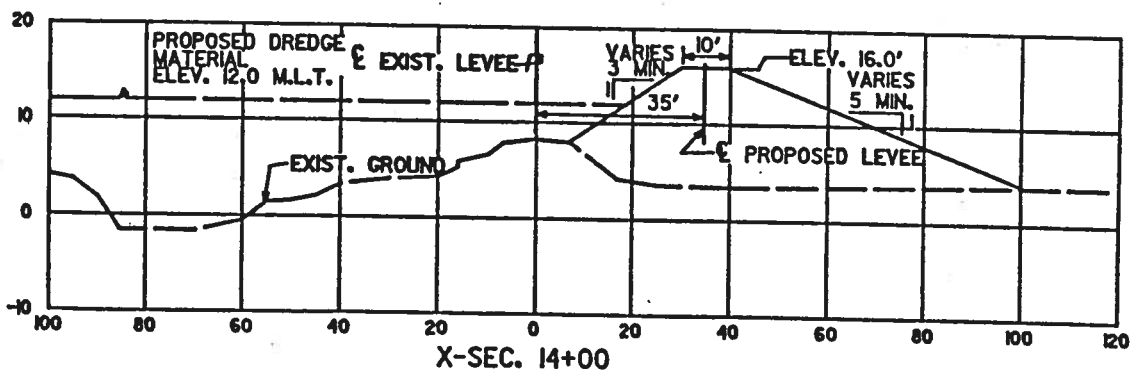
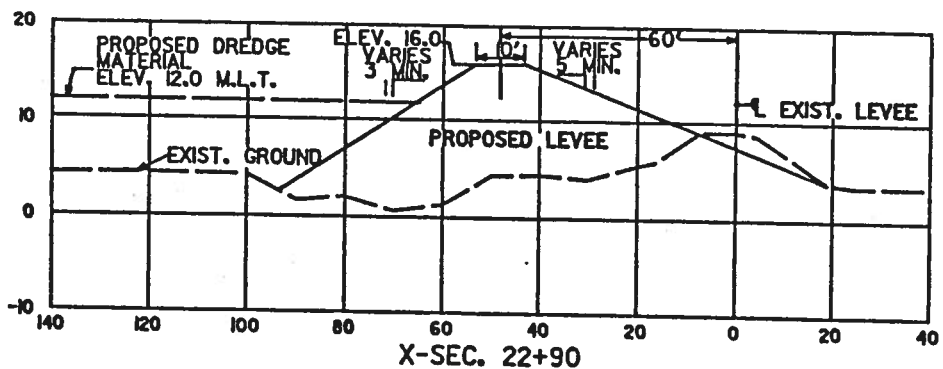
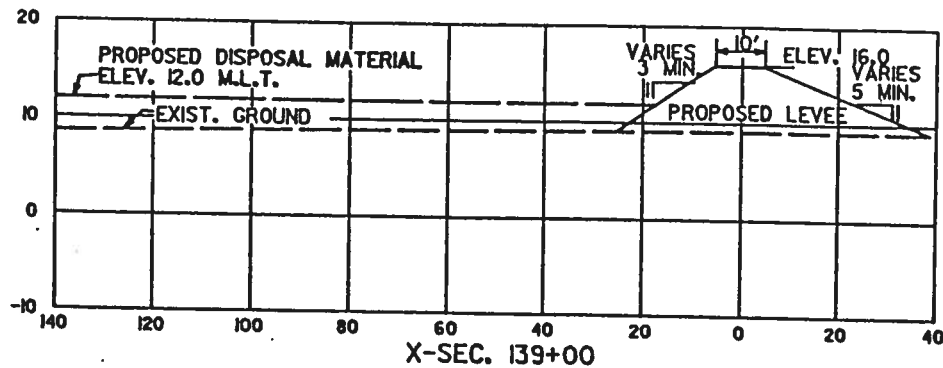
DATUM: MLT

PLAN DISPOSAL AREA

U.S. DEPARTMENT OF TRANSPORTATION
 MARITIME ADMINISTRATION (MARAD)
 BEAUMONT RESERVE FLEET
 P.O. BOX 6355
 BEAUMONT, TX

PROPOSED DREDGING OF
 MOORING AREA AND DISPOSAL
 OF DREDGE MATERIAL
 AT: BEAUMONT TEXAS

SHEET 4 OF 8 DATE: MAR 89



PURPOSE: PROVIDE
DEEPER DRAFT
MOORING AREA

DATUM: MLT

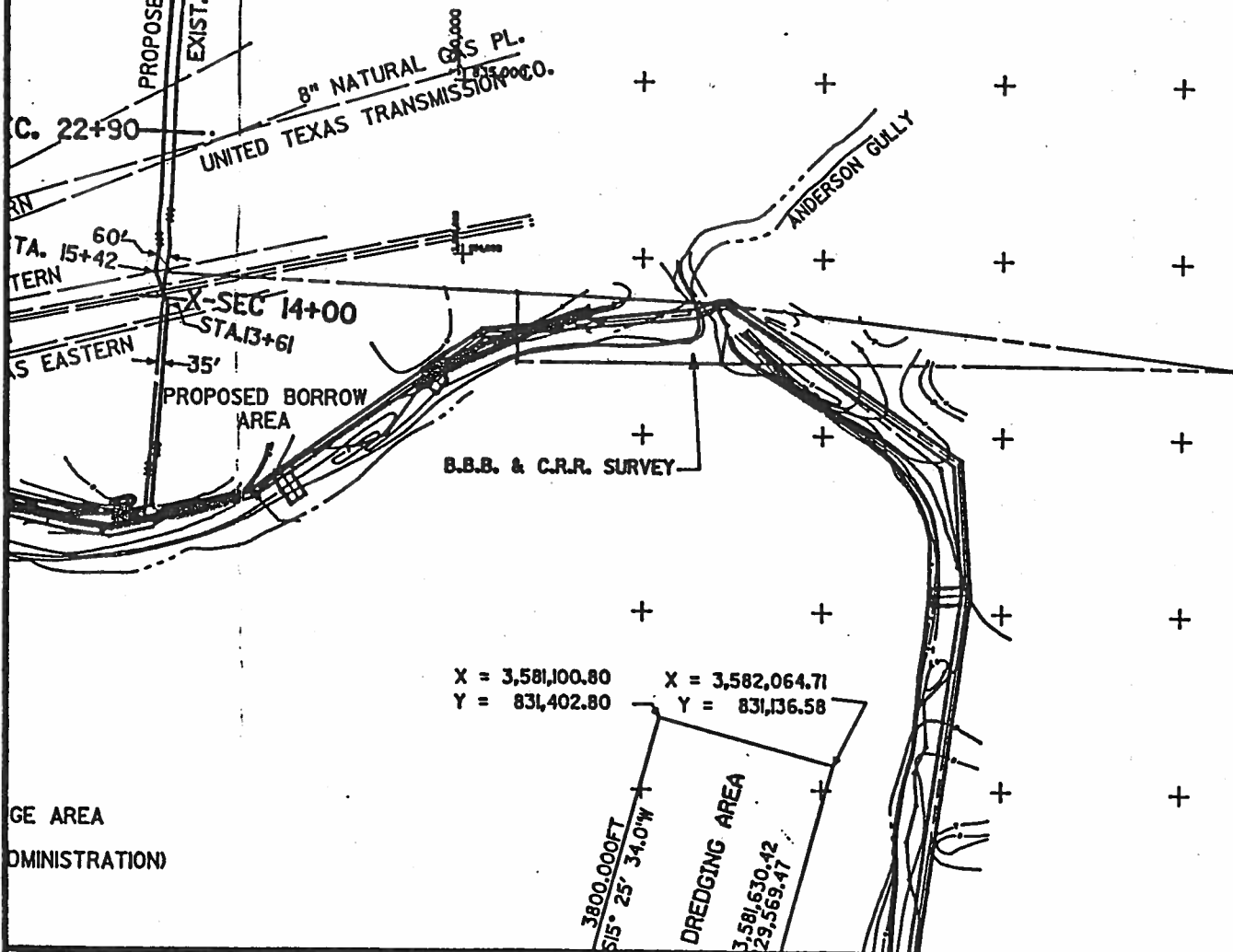
LEVEE SECTION

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION (MARAD)
BEAUMONT RESERVE FLEET
P.O. BOX 6355
BEAUMONT, TX

PROPOSED DREDGING OF
MOORING AREA AND DISPOSAL
OF DREDGE MATERIAL
AT: BEAUMONT TEXAS

SHEET 5 OF 8 DATE: MAY 89

- NOTES:
- 1) The borrow area will be confined to existing upland mounds to avoid impacting adjacent wetlands.
 - 2) The borrow area will be reduced to the approximate elevation of the surrounding marshes.
 - 3) The existing berm along the river bank will not be permanently breached.
 - 4) Construction-related activities will be specifically prohibited from impacting adjacent wetlands.



PURPOSE: PROVIDE
DEEPER DRAFT
MOORING AREA

PLAN

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION (MARAD)
BEAUMONT RESERVE FLEET
P.O. BOX 6355
BEAUMONT, TX

PROPOSED DREDGING OF
MOORING AREA AND DISPOSAL
OF DREDGE MATERIAL
AT: BEAUMONT TEXAS

DATUM: MLT

SHEET 6 OF 8 DATE: MAR 89

The diagram illustrates the outfall plan of a structure, showing a walkway, handrail, discharge pipe, and various structural details. The walkway is 7'-2" wide and 27'-10" long. It is supported by a concrete support (CONC. SUPPORT) and has a handrail. The discharge pipe is shown with a diameter of 48" and a length of 10'-0". The plan also shows various structural details, including L4x4x1/2x5'-10" beams, 1V : 3H reinforcement, and a DISPOSAL LEVEE. The plan is labeled "OUTFALL PLAN" and "N.T.S." (Not To Scale).

DATUM: MLT

U.S. DEPARTMENT OF TRANSPORTATION
MARITIME ADMINISTRATION (MARAD)
BEAUMONT RESERVE FLEET
P.O. BOX 6355
BEAUMONT, TX

SHEET 7 OF 8 DATE: MAR 89

